IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No.: 643 of 2003.

Decided on: 26.4.2007.

Saroj Pawar.

… … … Petitioner.

Versus

State Bank of India & Ors. .

… … … Respondents.

Coram:

The Hon'ble Mr. Justice Rajiv Sharma, J.

Whether approved for reporting?

For the Petitioner: **Mr. N.K. Sood, Advocate.**

For the Respondent(s) No.2: **Mr. K.D. Sood, Advocate.**

Rajiv Sharma, Judge (Oral):

By way of this petition the petitioner is seeking compassionate appointment after the death of her husband on 21.12.2001 while in harness.

The barest minimum facts for adjudication of this case are that the petitioner has submitted application to the competent authority in accordance with law for consideration for appointment on compassionate ground. The case of the petitioner was strongly recommended by the Chief Manager, of State Bank of India, Solan Branch (Head of the Department) on 8.8.2002. The recommendation made by the competent

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Whether reporters of local papers may be allowed to see the judgment? .

authority is reproduced here under:-

> **"As the children of late Sh. A.K. Pawar are Minor and require proper care for study etc., I recommend that Smt. Saroj Pawar wife of late Shri A.K. Pawar may be appointed as Assistant on compassionate grounds at earliest."**

Petitioner's claim for compassionate appointment was rejected by the competent authority vide letter dated 27.2.2003 (Annexure P-E).

Mr. Naresh Kumar Sood appearing on behalf of the petitioner submits that once the case of the petitioner has been strongly recommended on the basis of Annexure P-D, the same could not be rejected by the authorities concerned. Mr. Sood further submits that the order dated 27.2.2003 has been issued without due application of mind.

Mr. K.D. Sood appearing on behalf of the respondent Bank has supported the decision dated 27.2.2003.

I have perused the record and heard the parties. I am of the firm view that the recommendation has been made by the Chief Manager of the State Bank of India, Solan Branch after taking into consideration the entire facts including the income of the petitioner. The Chief Manager was the only person who was well versed with the entire facts at the time of making recommendation. The recommendation made by the competent authority was required to be looked into in its right perspective by the respondent(s) while determining the case of the petitioner for compassionate appointment. The order dated 27.2.2003 is a non-speaking order. The authorities while deciding the case pertaining to compassionate appointments must take into consideration the entire facts and thereafter a reasoned and speaking order should be passed. There is no averment in

the communication dated 27.2.2003 in what manner the financial condition of the family of the petitioner has been considered. Merely stating that the financial condition of the family of the petitioner has been seen is not due compliance even as per the scheme framed by the bank. The other reason for rejecting the claim of the petitioner is the observation of Supreme Court judgment. The judgment has not been cited in the communication dated 27.2.2003. The entire exercise has been taken as is evident from the communication dated 27.2.2003 with closed mind just to reject the claim of the petitioner.

Accordingly, the writ petition is allowed and Annexure P-E dated 27.2.2003 is quashed and set aside. The respondents are directed to reconsider the case of the petitioner for compassionate appointment and while doing so, the recommendation made as noted above will be duly considered. The respondents are directed to complete the entire exercise within a period of eight week from today.

There shall be no order as to costs.

(Rajiv Sharma)
Judge

April 26, 2007.
(sck)